

REMARKS

On entry of this response, claim 12 has been amended. Claims 1-23 are pending, of which claims 1 and 12 are independent.

I. Claim Rejections under 35 U.S.C. §102(e)

Claims 1-3, 5, 7, 9, 11-19 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by US 2003/0152049 (hereinafter “Turner”). Applicants respectfully traverse the rejection.

A. Claim 1

Applicants respectfully submit that Turner does not disclose at least “a 1xEV-DO access network controller for controlling a high-rate data transmission service of the 1xEV-DO access network transceiver subsystem, transmitting a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *to the mobile switching center* when a signal having a level below a predetermined level is received from the hybrid access terminal if a call drop occurs between the 1xEV-DO system and the hybrid access terminal in traffic with the 1xEV-DO system, and recognizing that the hybrid access terminal is switched into the 1X mode when a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal is received *from the mobile switching center* (emphasis added),” as recited in claim 1.

The Examiner asserts that Turner discloses the above features in paragraphs [0054]-[0071]. See the Office Action, page 4. Applicants respectfully disagree.

Turner discloses a Wireless Communication Device (WCD) operating on IS-856 and IS-2000 networks. See Turner Abstract. Paragraphs [0054]-[0056] of Turner disclose the method of operating the WCD with reference to FIG. 4. Paragraphs [0057]-[0071] of Turner disclose an operational overview of the WCD. In paragraphs [0071]-[0075], Turner discloses the types of handoff that the WCD performs, such as IS-2000 to IS-2000, IS-856 to IS-856, IS-2000 to IS-856, and IS-856 to IS-2000.

In comparison, the system recited in claim 1 includes a 1xEV-DO access network controller that transmits a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *to the mobile switching center* when a signal having a level below a predetermined level is received from the hybrid access terminal if a call drop occurs between the 1xEV-DO system and the hybrid access terminal in traffic with the 1xEV-DO system. The 1xEV-DO access network controller also recognizes that the hybrid access terminal is switched into the 1X mode when a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal is received *from the mobile switching center*.

Although Turner discloses handoff from IS-856 to IS-2000, see Turner, paragraph [0075], Turner does not disclose a 1xEV-DO access network controller that transmits a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *to the mobile switching center* when a signal having a level below a predetermined level is received from the hybrid access terminal if a call drop occurs between the 1xEV-DO system and the hybrid access terminal in traffic with the 1xEV-DO system, as recited in claim 1. Turner does not disclose that the 1xEV-DO access network controller recognizes that the hybrid access terminal is switched into the 1X mode when a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal is received *from the mobile switching center*, as recited in claim 1. Turner is silent about the 1xEV-DO access network controller that communicates with the mobile switching center of a 1X system.

For the reasons set forth above, Applicants respectfully submit that Turner fails to disclose each and every element of claim 1. Applicants, therefore, request that the 35 U.S.C. §102(e) rejection of claim 1 be reconsidered and withdrawn.

B. Claims 2-3, 5, 7, 9 and 11

Claims 2-3, 5, 7, 9 and 11 depend from claim 1 and, as such, incorporate the subject matter of claim 1. For the reasons set forth above in connection with claim 1, Applicants

respectfully request that the 35 U.S.C. §102(e) rejection of claims 2-3, 5, 7, 9 and 11 be reconsidered and withdrawn.

C. Claim 12

Applicants respectfully submit that Turner does not disclose at least “(f) transmitting a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *from the 1xEV-DO system to a mobile switching center of the 1X system*; and (g) receiving a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal *from the mobile switching center to the 1xEV-DO system*, and recognizing in the 1xEV-DO system that the hybrid access terminal has been switched from the 1xEV-DO mode to the 1X mode (emphasis added),” as recited in claim 12.

The Examiner asserts that Turner discloses the above features in paragraphs [0006], [0009] and [0010]-[0012]. See the Office Action, page 5. Applicants respectfully disagree.

Paragraph [0006] of Turner discloses different types of communication networks, such as IS-2000 and IS 856 networks. Paragraph [0009] of Turner discloses that a battery-powered portable WCD needs to operate in a power efficient manner. Paragraphs [0010]-[0012] of Turner disclose that the WCD operates over both IS-2000 and IS 856 networks, and is capable of handoff between the two networks.

In comparison, the method recited in claim 12 includes the feature of transmitting a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *from the 1xEV-DO system to a mobile switching center of the 1X system*. The method recited in claim 12 also includes the feature of receiving a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal *from the mobile switching center to the 1xEV-DO system*.

Although Turner discloses handoff between IS-856 and IS-2000 networks, Turner does not disclose transmitting a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *from the 1xEV-DO system to a mobile switching center of*

the 1X system, as recited in claim 12. Turner does not disclose receiving a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal *from the mobile switching center to the 1xEV-DO system*, as recited in claim 12. Turner is silent about the communication between a 1xEV-DO system and the mobile switching center of a 1X system.

For the reasons set forth above, Applicants respectfully submit that Turner fails to disclose each and every element of claim 12. Applicants, therefore, request that the 35 U.S.C. §102(e) rejection of claim 12 be reconsidered and withdrawn.

D. Claims 13-19 and 22

Claims 13-19 and 22 depend from claim 12 and, as such, incorporate the subject matter of claim 12. For the reasons set forth above in connection with claim 12, Applicants respectfully request that the 35 U.S.C. §102(e) rejection of claims 13-19 and 22 be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. §103(a)

Claims 4, 6, 8, 10, 16, 20, 21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Turner in view of well-known prior art. Applicants respectfully traverse the rejection.

A. Claims 4, 6, 8 and 10

Claims 4, 6, 8 and 10 depend from claim 1 and, as such, incorporate the subject matter of claim 12.

Applicants respectfully submit that Turner and well-known prior art do not teach or suggest at least “a 1xEV-DO access network controller for controlling a high-rate data transmission service of the 1xEV-DO access network transceiver subsystem, transmitting a message inquiring whether or not voice signals or low-rate data are received in the hybrid access

terminal *to the mobile switching center* when a signal having a level below a predetermined level is received from the hybrid access terminal if a call drop occurs between the 1xEV-DO system and the hybrid access terminal in traffic with the 1xEV-DO system, and recognizing that the hybrid access terminal is switched into the 1X mode when a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal is received *from the mobile switching center* (emphasis added),” as recited in claim 1.

Turner does not teach or suggest the 1xEV-DO access network controller recited in claim 1. The 1xEV-DO access network controller recited in claim 1 was not known in the art at the time the invention was made. Turner and prior art do not teach or suggest a communication between the 1xEV-DO access network controller and the mobile switching center of the 1X system.

For the reasons set forth above, Applicants respectfully submit that Turner and well-known prior art fail to teach or suggest all of the features of claim 12. Claims 16, 20, 21 and 23, which depend from claim 12, are not rendered obvious over Turner and well-known prior art. Applicants, therefore, request that the 35 U.S.C. §103(a) rejection of claims 16, 20, 21 and 23 be reconsidered and withdrawn.

B. Claims 16, 20, 21 and 23

Claims 16, 20, 21 and 23 depend from claim 12 and, as such, incorporate the subject matter of claim 12.

Applicants respectfully submit that Turner and well-known prior art do not teach or suggest at least “(f) transmitting a message inquiring whether or not voice signals or low-rate data are received in the hybrid access terminal *from the 1xEV-DO system to a mobile switching center of the 1X system*; and (g) receiving a message capable of checking whether or not the voice signals or low-rate data are received in the hybrid access terminal *from the mobile switching center to the 1xEV-DO system*, and recognizing in the 1xEV-DO system that the hybrid access terminal has been switched from the 1xEV-DO mode to the 1X mode (emphasis added),” as recited in claim 12.

Turner does not teach or suggest the above features recited in claim 12. The above features were not known in the art at the time the invention was made. Turner and well-known prior art do not teach or suggest a communication between the 1xEV-DO system and the mobile switching center of the 1X system.

For the reasons set forth above, Applicants respectfully submit that Turner and well-known prior art fail to teach or suggest all of the features of claim 12. Claims 16, 20, 21 and 23, which depend from claim 12, are not rendered obvious over Turner and well-known prior art. Applicants, therefore, request that the 35 U.S.C. §103(a) rejection of claims 16, 20, 21 and 23 be reconsidered and withdrawn.

III. Information Disclosure Statement

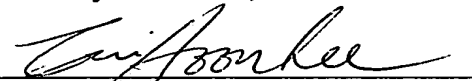
Applicants herewith submit an Information Disclosure Statement with the references cited in the International Search Report for the Examiner's consideration.

IV. Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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